

FORM B10 (Official Form 10) (10/05)

<b>UNITED STATES BANKRUPTCY COURT EASTERN DISTRICT OF VIRGINIA</b>		<b>PROOF OF CLAIM</b>
Name of Debtor <b>Circuit City Stores, Inc.</b>	Case Number <b>08-35653</b>	
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A "request" for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (The person or other entity to whom the debtor owes money or property):  <b>Suemar Realty, Inc.</b>	<input type="checkbox"/> Check box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars. <input type="checkbox"/> Check box if you have never received any notices from the bankruptcy court in this case. <input type="checkbox"/> Check box if the address differs from the address on the envelope sent to you by the court.	
Name and address where notices should be sent: <b>Rob Armstrong Suemar Realty, Inc. 27476 Holiday Lane Perrysburg, OH 43551 Telephone number:</b>	THIS SPACE IS FOR COURT USE ONLY	
Last four digits of account or other number by which creditor identifies debtor:	Check here <input type="checkbox"/> replaces a previously filed claim, dated: _____ if this claim <input type="checkbox"/> amends	
<b>1. Basis for Claim</b> <div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="checkbox"/> Goods sold  <input type="checkbox"/> Services performed  <input type="checkbox"/> Money loaned  <input type="checkbox"/> Personal injury/wrongful death  <input type="checkbox"/> Taxes  <input checked="" type="checkbox"/> Other <u>Lease</u> </div> <div style="width: 48%;"> <input type="checkbox"/> Retiree benefits as defined in 11 U.S.C. § 1114(a)  <input type="checkbox"/> Wages, salaries, and compensation (fill out below)                      Last four digits of SS#: _____                      Unpaid compensation for services performed from _____ to _____ (date) (date)                 </div> </div>		
<b>2. Date debt was incurred: Prior to 11/11/08</b>		<b>3. If court judgment, date obtained: N/A</b>
<b>4. Classification of Claim.</b> Check the appropriate box or boxes that best describe your claim and state the amount of the claim at the time case filed. See reverse side for important explanations. <b>Unsecured Nonpriority Claim \$1,336,684.17**</b> <div style="display: flex;"> <div style="width: 50%;"> <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.   <b>Unsecured Priority Claim</b>  <input type="checkbox"/> Check this box if you have an unsecured claim, all or part of which is entitled to priority.                       Amount entitled to priority \$ _____   <input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507(a)(1)(A) or (a)(1)(B)   <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,000)* earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. § 507(a)(4).   <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507(1)(5).                 </div> <div style="width: 50%;"> <b>Secured Claim</b>  <input type="checkbox"/> Check this box if claim is secured by collateral (including a right of setoff)                      Brief Description of Collateral:  <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other _____                      Value of Collateral: \$ _____                       Amount of arrearage and other charges at time case filed included in secured claim, if any: \$ _____   <input type="checkbox"/> Up to \$2,225* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507(a)(7).  <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507(a)(8).  <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507(a)(____).   <i>*Amounts are subject to adjustment on 4/1/07 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</i> </div> </div>		
<b>5. Total Amount of Claim at Time Case Filed:</b> <div style="display: flex; justify-content: space-between;"> <div> <b>\$1,336,684.17**</b>                      (unsecured) (secured)                 </div> <div> <b>\$1,336,684.17**</b>                      (priority) (Total)                 </div> </div> <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of the claim. Attach itemized statement of all interest or additional charges.		
<b>6. Credits:</b> The amount of all payments on this claim has been credited and deducted for the purpose of making this proof of claim. *** <b>7. Supporting Documents:</b> Attach copies of supporting documents, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, court judgments, mortgages, security agreements, and evidence of perfection of lien. DO NOT SEND ORIGINAL DOCUMENTS. If the documents are not available, explain. If the documents are voluminous, attach a summary. <b>8. Date-Stamped Copy:</b> To receive an acknowledgment of the filing of your claim, enclose a stamped, self-addressed envelope and copy of this proof of claim.		THIS SPACE IS FOR COURT USE ONLY  <div style="font-size: 2em; font-weight: bold; margin: 10px 0;">RECEIVED</div> <div style="font-size: 1.5em; font-weight: bold; margin: 10px 0;">APR 01 2009</div> <div style="font-weight: bold; margin: 10px 0;">KURTZWAN CARSON CONSULTANTS</div>
Date 3/31/09	Sign and print the name and title, if any, of the creditor or other person authorized to file this claim (attach copy of power of attorney, if any): Suemar Realty, Inc.  By: <u>David J. Coyle</u> David J. Coyle, Its Attorney	
Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.		

\*\*See attached.

\*\*\*Except that the claim may constitute a set-off or recoupment against any claim by the estate against CREDITOR.

COPY

**DEBTOR CIRCUIT CITY STORES, INC.  
UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA, RICHMOND DIVISION  
CASE NO. 08-35653  
ATTACHMENT TO PROOF OF CLAIM OF SUEMAR REALTY, INC.**

Suemar Realty, Inc. is the landlord under two separate leases with Debtor Circuit City Stores, Inc. (Store No. 3705 in Holland, Ohio and Store No. 3734 in Toledo, Ohio). The two leases are not attached because they are too voluminous. Upon information and belief, the Debtor has a copy of each lease. A copy of the leases will be made available upon request. The total amount owed by Debtor to Suemar Realty, Inc. is \$1,336,684.17.<sup>1</sup>

This amount is calculated as follows:

Store No. 3705	
Rent (November 2008)	\$37,178.49
CAM (11/1/08 – 12/31/08)	\$1,167.56
CAM Reconciliation-2009 (1/1/09 – 2/23/09)	\$1,542.01
Real Estate Taxes-2008	\$17,192.60
Real Estate Taxes (prorated 1/1/09 – 2/23/09)	\$2,543.56
Water (11/15/08 – 2/23/09)	\$5,783.06
Rent (2/15/09 – 2/23/09)	\$11,950.23
Damages Claim: One Year Rent Cap pursuant to 11 U.S.C. § 502(b)(6)	Rent \$446,141.88 CAM \$14,400.00 Taxes \$17,192.60
<b>Total for Store No. 3705</b>	<b>\$555,091.99</b>

Store No. 3734	
Rent (November 2008)	\$44,159.07
CAM (11/1/08 – 12/31/08)	\$18,427.96
CAM Reconciliation-2009 (1/1/09 – 2/23/09)	\$7,228.34
Real Estate Taxes-2008	\$57,950.20
Real Estate Taxes (prorated 1/1/09 – 2/23/09)	\$8,573.58
Rent (2/15/09 – 2/23/09)	\$14,193.99
Damages Claim: One Year Rent Cap pursuant to 11 U.S.C. § 502(b)(6)	Rent \$529,908.84 CAM \$43,200.00 Taxes \$57,950.20
<b>Total for Store No. 3705</b>	<b>\$781,592.18</b>

Supporting documentation for each of the above amounts is voluminous but it will also be made available upon request.

<sup>1</sup> It is Suemar Realty, Inc.'s position that the portion of the amounts listed herein that were incurred while the Debtor was using the property post-petition (11/10/08 – 2/23/09) is entitled to be paid as an administrative expense. However, these amounts are included herein in an abundance of caution in case the Court does not require these postpetition amounts to be paid as an administrative expense. Obviously, to the extent the amounts are paid as an administrative expense, this proof of claim would be lowered by the amount paid.

Suemar Realty, Inc. Circuit City Claim		Store #3734	Store #3705
Post Petition	Dates	Monroe St.	Airport Highway
Rent	11/10/08-11/30/08	\$30,911.35	\$26,024.94
Rent	2/15/09 - 2/23/09	\$14,193.99	\$11,950.23
CAM	11/10/08-12/31/08	\$7,418.04	\$346.53
CAM reconciliation 2009	1/1/09-2/23/09	\$7,228.34	\$1,542.01
Real Estates Taxes	1st Half 2008	\$28,975.10	\$8,596.30
Real Estates Taxes	Post-Petition	\$16,670.85	\$4,945.50
Water (all CC usage)	11/15/08 - 2/13/09	\$1,548.41	\$0.00
Water (all CC usage)	11/11/08 - 3/17/09*	\$0.00	\$4,234.65
		\$106,946.08	\$59,188.57
			prorated 11/10/08-2/23/09 105 days

\*No water used in the building after 2/23/09.